

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY JOE CURTIS,

Defendants.

CR-09-86-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter October 24, 2016. (Doc. 83.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 20, 2016. (Doc. 82.) Judge Johnston found that the United States met its burden to prove that Curtis committed a violation of his supervised release by refusing to submit to a

breathalyzer test. (Doc. 83 at 1.) The violation proves serious and warrant revocation of Curtis's supervised release. Judge Johnston has recommended that the Court revoke Curtis's supervised release and commit Curtis to the custody of the Bureau of Prisons for five months (Doc. 83 at 5.) Judge Johnston further has recommended that Curtis's term of custody be followed by 28 months of supervised release.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Curtis's violation of his conditions represents a serious breach of the Court's trust. A sentence of five months custody followed by 28 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 83) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Billy Joe Curtis be sentenced to five months custody followed by 28 months of supervised release. The conditions previously imposed shall be continued.

DATED this 9th day of November, 2016.



Brian Morris
United States District Court Judge